

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JEFFERSON-PILOT LIFE

CASE NO. 1:02cv00479

Plaintiff

Judge Barrett

-vs-

CHRISTOPHER KEARNEY, et al.

Defendant

**O R D E R**

This matter is before the Court upon the following motions filed by Disability Management Services Inc. ("DMS") and Jefferson-Pilot Life Insurance Company ("Jefferson-Pilot"): Motion for Return of Documents (Doc. 145); Motion to Compel (Doc. 146); Motion for Protective Order (Doc. 147); and Motion for Protective Order Regarding 30(b)(6) Notice of Deposition of Jefferson-Pilot (Doc. 148). A status conference was held regarding these motions on May 23, 2007.

As agreed during the conference, the Parties shall enter into the proposed Protective Order.

At this time, the Court declines to appoint a special master. However, this issue may be revisited.

Pursuant to the Notice of Deposition served upon Jefferson-Pilot, Jefferson-Pilot shall produce, to the extent such information is not privileged or otherwise protected, the following documents:

1. The information, communications and documents (including electronic communication shared between Jefferson-Pilot and DMS regarding claims

administration in general and the administration of the claim of Christopher Kearney, specifically).

2. Claim administration training provided to claims administration representatives of Jefferson-Pilot.
3. Documents which relate or refer to claim administration of psychiatric disability claims and/or residual disability claims.
4. Jefferson-Pilot's privacy protection policies and practices since 1994.
5. Jefferson-Pilot's quality assurance programs, if any.
6. Documents exchanged between Jefferson-Pilot and DMS prior to the execution of any claims administration agreement.
7. Documents exchanged between Jefferson-Pilot and DMS subsequent to the execution of the agreement including all reports referenced in the agreement between Jefferson-Pilot and DMS.
8. Annual reports and/or form 10K's of Jefferson-Pilot for the period 1993 to the present.

With regards to the Motion to Compel, the Parties agreed during the conference to resolve all matters except for the issue of Defendant's credit card information. Defendant shall produce to the Court, *in camera*, Christopher Kearney's credit card statements from 1997 through 2006. Jefferson-Pilot and DMS shall produce to the Court, *in camera*, any newly claimed previously unsubmitted privileged documents to the Court.

Defendant shall return to Jefferson-Pilot and DMS any inadvertently disclosed privileged documents listed in Motion for Return of Documents. (See Doc. 145) As the Court previously ruled, on two occasions, attorney-client communications after June 6,

2002 are protected from disclosure. (See Docs. 76, 142)

Based on the foregoing, it is hereby **ORDERED** that:

1. Motion for Return of Documents (Doc. 145) is **GRANTED**;
2. Motion to Compel (Doc. 146) is **TAKEN UNDER SUBMISSION**;
3. Motion for Protective Order (Doc. 147) is **DENIED as MOOT**; and
4. Motion for Protective Order Regarding 30(b)(6) Notice of Deposition of Jefferson-Pilot (Doc. 148) is **DENIED**.

**IT IS SO ORDERED.**

*/s/ Michael R. Barrett*  
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Michael R. Barrett, Judge,  
United States District Court